

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMY JEFFRIES : CIVIL ACTION  
v. :  
ROBERT J. CHIUSANO, et al. : NO. 10-2285

**MEMORANDUM**

**Baylson, J.**

**July 14, 2010**

The issue presented is whether this case should be transferred, pursuant to Defendants' Motion based on improper venue, to the Middle District of Pennsylvania. The case arises out of an accident in Monroe County, within the Middle District of Pennsylvania. Plaintiff is a resident of the Middle District, but none of the Defendants are residents of Pennsylvania. Plaintiff originally filed this case in the Court of Common Pleas of Philadelphia County, and Defendants removed it to this Court pursuant to 28 U.S.C. § 1441.

The undisputed facts show that venue was not proper in the Court of Common Pleas of Philadelphia County. As this is a diversity case, Defendants had the absolute right to remove this case to this Court to secure a ruling on the issue of venue. Under the venue statute, 28 U.S.C. § 1391, a case based on diversity may be brought only in a judicial district where any defendant resides, if all defendants reside in the same state, a judicial district where a substantial part of the events giving rise to the claim occurred, or, if none of the above apply, then in a judicial district in which any defendant is subject to personal jurisdiction.

In this case, the facts show that not all Defendants reside in the same state. Because the events giving rise to Plaintiff's claim occurred in the Middle District of Pennsylvania, venue is

proper in that district. Thus, the fact one Defendant may be subject to personal jurisdiction in Philadelphia does not allow venue in this district. Plaintiff also argues that because Defendants removed the case from the Court of Common Pleas of Philadelphia County to this Court, venue is properly established in this Court. This contention is without any legal support whatsoever.

Because this Court finds that venue is not proper in this district, transfer to the Middle District of Pennsylvania under 28 U.S.C. § 1406 is proper. The Court need not consider any arguments under 28 U.S.C. § 1404(a).

An appropriate Order follows.

O:\CIVIL 09-10\10-2285 - Jeffries v. Chiusano\Jeffries v. Chiusano - Memo Mot Transfer.wpd